IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1975
No. 75-560

Dr. Robert B. Burns

Petitioner

v

Dr. Robert D. Decker, President,
Bemidji State University;
Dr. G. Theodore Mitau, Chancellor,
Minnesota State University System;
Dr. Frank G. Chesley, President,
Minnesota State University Board

Respondents

PETITION FOR A WRIT OF CERTIORARI FROM UNITED STATES COURT OF APPEALS EIGHTH CIRCUIT

PETITION FOR REHEARING

BRIEF FOR THE PETITIONER

Robert B. Burns
Pro se
RR #1 Box 321
Bemidji, Minnesota 56601

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CITATIONS

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AMENDMENTS

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STATUTE

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OTHER AUTHORITIES

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STATE STATUTE

State Reg. . . . . .Appendix DD.
M.S. 69, Section 15.06 (2).

JURISDICTIONAL BASIS FOR REHEARING

This petition for rehearing is presented, herein, on the basis of intervening matters of substantial importance as well as other sources available to the petitioner but not previously presented as provided in Rule Number 58, Paragraph Number Two. This petition is certified herein to be presented in good faith and not for delay and is restricted to the grounds as above specified.

Respectfully submitted,

Robert B. Burns
Pro se

Sworn and subscribed before me this ____ day of December, 1975

_____
Notary Public

Professor Robert B. Burns provided Bemidji State College, now a University with some initiatives in his field of special competance, science education. In his efforts to provide constructive initiative he was dismissed from his position in science education.

In the process of attempting to achieve a constructive settlement of differences and some kind of decent justice his future employment rights have been damaged. Furthermore his civil-constitutional rights have been violated by the State Court's failure to consider his employment rights in the light of the Minnesota State University Board's dereliction from duty in complying with its own rules. Also the Court's have failed to recognize possible college and university interests over and beyond Burns' professional status.

The Right to Petition

The right to petition the government for redress of grievances is a precious priviledge even though nothing is gained in an equitable sense. Just having the right to petition without fear of retribution is a precious freedom that American's have.

The Right to Provide Constructive Initiative

The right to provide constructive initiative in one's work is also a precious priviledge. In like measure, the right to disagree and to criticize a person's efforts is equally important.

It should be observed as well that in a society such as ours that a person providing constructive initiative may be unfairly treated by the employer. So it is important that suitable grievances procedures are provided therefore.

Too often constructive initiative is not recognized positively. While school officials aim to be accountable, they are often inflexible and unwilling to permit an examination of the merits of a dispute and as a result they are often short sighted and undemocratic in their administrative actions.

The First and Fourteenth Amendments

The First Amendment to the United States Constitution provides the guarantee for the individual citizen that his or her right to provide positive and constructive initiatives shall not be violated unduly. Certainly a person's right to work in the field for which he or she has been trained shall not be taken away without due process of the law and equal protections of the law as provided by the Fourteenth Amendment.

The Erosion of Those Rights in a Complex Society

In a complex society such as ours technologically geared increasingly to the accumulation of increments of social credibility, insurability and securities of various kinds achieved by means of working for an organizational enterprise, persons providing constructive initiative and alienated in the process of providing initiative and petitioning for redress of grievances will be penalized accordingly during the time that they are out of the employment market. This observation has been made by the Court in Arnett v Kennedy, 416 U.S. 134, (1974).

The Court noted that such resulting damages may represent a separate cause of action over and beyond the original contract dispute in an equitable sense. It would appear that such considerations by the Court in connection with the case herein presented would be particularly appropriate where an employee's contract rights to a hearing in dismissal proceedings have been breached by the

failure of the employer to follow its own rules.

It is in the area of the erosion of those fundamental rights, the right to provide initiative, the right to work, the right to petition, the due process rights that the Court should consider -- for while there exists no deliberate reprisals against the individual petitioning there still remains the heavy burden stemming from those forms of impersonal penalties exacted by a system that is increasingly locked into accumulating increments of social security, acceptability or monetary reward. Underlying the erosion of due process rights in petitioning for redress of grievances exists a deterioration of the First Amendment Rights, the right to work, the right to provide constructive initiative.

Where the government has the primary responsibility to be reasonable and fair in its employment practices it is not right for the individual petitioning for redress of grievances to have to bare so heavy a burden in an equitable sense.

The Minnesota State University System has sanctioned the taking of Professor Burns' employment rights in all seven state universities in Minnesota and has refused to provide a hearing. (Refer Petitioner's Reply Brief received by the Court on December 5th, 1975 at the time the Court was in conference deciding whether or not to grant the writ of certiorari, page two, letter from the President of the Board).

In Arnett, supra, Justice White stated that the opportunity to defend one's property before it is finally taken is so basic that it hardly bears repeating. (Arnett, supra, at 180).

The Court's Discretionary Powers

The United States Supreme Court's rules state that a review on writ of certiorari is not a matter of right, but of sound judicial discretion, and will be granted only where there are special and important reasons therefor. The Court in reserving its right to grant the writ may be sound in its circumstances, but not logically sound for the individual petitioning when the judicial remedies are exhausted without achieving a positive and constructive judicial outcome. It would appear that such discretionary powers are reduced accordingly in consideration of the individual's equitable rights. It is sound in the final round for the Court to consider the erosion of rights and separate causes of action.

The Court has had its reasonable opportunity to exercise its discretionary powers as far as making a determination of the social import and significance of a case (such as in the case herein presented) with regard to the important issues under Civil Rights Section 1983 having prior state court judgment. The Court's attention should now turn to a consideration of the equitable rights of the individual.

A Consideration of the Individual's Equitable Rights

The Court's attention is therefore drawn to intervening matters. Not-with-standing the denial of the writ, reference is made to the Petitioner's Letter to the Minnesota State University Board December 10th, in Appendix AA, herein.

Where it is obvious upon the face of the individual's complaints that he cannot even obtain the contract money due him because of the unfair restrictions on his future employment, it is most apparent that an equitable remedy should be found.

Discretionary Powers - Local and National - State and Federal

While the discretionary powers are reserved for those special interests of the American society, in this petition for rehearing the Court's attention is directed to a consideration of the special interests of the college and university in Minnesota.

The interests of the college and university have been put into jeopardy by mistakes committed in complying with the rules of the Minnesota State University System. The rules have been breached by a sequence of mistakes. Not-with-standing errors committed on both sides in such a lengthy controversy, the primary burden to correct these mistakes rests with the Minnesota State University Board. (Refer Appendix AA, herein).

Failure of the Court to exercise its discretionary powers positively in disposing of this case will leave the professional aspects of this case unresolved and uncertain.

What Forum is Appropriate for a Determination of the Professional Issues?

The complaints of this petitioner have alleged that the Minnesota State University Board by its effort to inforce an unconscionable settlement agreement restricting him from seeking employment in his profession is in effect a "dismissal" from an entire state university system. And knowing that they had not complied with their rules represents a breach of his academic rights as conferred by other schools.

Justice Douglas dissenting in Wisconsin Board of Regents v Roth,* made special mention of the remarks of the Court of Appeals in the Perry v Sindermann Case** concerning the appropriate forum for determining professional issues as follows:

> "School-constituted review are the most appropriate forums for initially determining issues . . . in order to bring academic expertise to bear in resolving the nice issues of administrative discipline, teacher competence and school policy . . . 430 F. 2d, at 944-945."

*408 U.S. 564, 92 S.Ct. 270, 33 L.Ed.2d548.

**408 U.S. 593, 92 S.Ct.2694, 33 L.Ed.2d570.

9

Justice Douglas observed, however, that in judicial inquiry concerning civil rights the Courts are not relieved of their duty to determine whether or not a teacher's contract and employment rights have been violated in retaliation for the teacher's exercise of his First Amendment rights.

In the case, herein, presented the Court has the duty to determine if such restrictions on Burns' employment rights are actually some kind of punishment exacted against him for his exercise of his First Amendment rights in helping a college, now a university, to form a special liaison committee in science education. Was the settlement agreement somekind of cover-up?

Nor is the Court relieved of its duty to determine if the lower courts have followed suitable due process procedures in examining the issues in this case. Justice Douglas in Roth observed that summary judgments in civil rights cases are seldom appropriate.

Justice Marshall dissenting as well concerning the procedural protections stated:

> "Employment is one of the greatest, if not the greatest, benefits that governments offer in modern-day life. When something as valuable as the opportunity to work is at stake, the government may not reward some citizens and not others without demonstrating that its actions are fair and equitable. . ."

POO

Sovereign Immunities of Governmental Officials and Section 1983

10

The sovereign immunities of governmental officials stand as major obstacles for the fair treatment of civil rights issues under Section 1983. In Wood v Strickland No. 73-1285 Feb. 1975 the Court mentions the "good faith immunity" and standards of decision making by public officials. The Court noted that the lower courts have not thus far spoke with a single voice of authority regarding the nature of immunity from damage awards under Section 1983.

And in Jackson v Metropolitan Edison Co. No. 73-5845 Dec. 1974 Justice Douglas dissenting stated that Section 1983 was designed to give citizens a federal forum for civil rights complaints for the state courts are unlikely to be hospitable to such complaints and are more likely to be acting in "cahoots" politically with governmental state agencies. Douglas stated that the Court should not "tolerate an erosion of the policy Congress expressed in drafting Section 1983."

The standards as set forth by the Court on Section 1983 for sovereign immunities of officials have only added to the natural biss of the state court judges acting in "cahoots" with its own state governmental agencies. In fact the screening standards for Section 1983 actions are so extensive and complex as to practically render this Act of Congress useless for the protection of the ordinary citizen's rights. (Reference is made to the Court's comments in Wood v Strickland, supra, on subject of sovereign immunities).

COPY

Careful Fact-finding is Necessary in Judicial Proceedings

To know whether a breach of a teacher's employment rights are irresponsible it is necessary that careful factfinding take place. Such factfinding was not permitted by the summary proceedings in the State District Court. The State District Court bending in the direction of sovereign immunities has obstructed even Burns' efforts to obtain information from the defendants by quashing a subpoena for a deposition on the defendant Chancellor.

Burns due process rights have been violated in both administrative and judicial proceedings. And the Courts have ignored his complaints that the defendants were restricting his future employment rights. Under such circumstances there is no adjudication by such failure of the courts. It is a fiction to believe otherwise.

Burns' First and Fourteenth Amendment rights have been violated thru the governmental official's breach of his employment rights and violated further by their secret settlement agreement attempting to swear him to somekind of secrecy concerning such settlement agreement and knowingly putting forth incorrect information as to his rights to a hearing and in the color of their official positions in the administrative structure.

While it is small consolation at this juncture, the settlement agreement was not even signed with the authority of the Board on December 23, for it was not until the twenty-fourth that the official had such authority as provided by state statute. (See Appendixes CC and DD, herein).

POOR

Facts at Issue Professionally

While it is not the proper scope of judicial review to weigh the facts at issue concerning professional matters, it is the Court's duty to fully consider the procedural aspects where First Amendment rights are alleged as being violated. Because the State Court's did not provide that suitable fact-finding forum in its summary proceedings, incorporated therefore in this petition for rehearing are the sources available but not previously presented.

The purpose of Appendix BB, herein, is to show the Court and the Minnesota State University Board as well in a sequential and perhaps more graphic way that a little bit of initiative can go a long ways. In an equitable sense a suitable hearing should be conducted so that such facts relating to the professional matters might be properly dealt with. Of particular interest are the photo-copies of the original working papers on the formation of the science education committee. (Refer Appendix BB Section 2 on page 2bb5 herein).

Initiative in small ventures by teachers working in their special fields of competance is a precious resource. Initiatives great or small of the people working in various jobs in this country is that most important resource. It is a resource that must not be destroyed by unfair and unreasonable employment practices being levied against them.

COPY

13

The State Court forum was not that suitable forum for a consideration of Burns' due process rights and the professional issues involved. In fact in reviewing the State Court's judgment and memoranda it is obvious that the sovereign immunity defense influenced the state judge to completely disregard the plaintiff's complaint concerning the restrictions on his future employment rights. (Refer State Court Judgment and Memoranda in Appendix D of Petitioner's Brief at d3-para. C - acting in official capacities - as officers of the state and "are subject to sovereign immunity.", d4-para. E performing duties in official capacities, d5 that the action herein is not brought for the purpose of setting aside the settlement agreement on the ground of fraud or duress but is a claim for damages, d13 on not construing Section 1983, d15 on official capacities etc., and d16 on not being liable when acting within the scope of their authority).

CONCLUSION

A major basis for this petition therefore is that the initiatives provided by Burns should not result in any penalties exacted by having his First and Fourteenth Amendment rights violated either by the state courts or the Minnesota State University Board. A consideration of Burns' employment rights in an equitable sense requires that an appropriate due process hearing be conducted and according to the rules of the Minnesota State University Board with immediate reinstatement pending such hearing.

POOR C

APPENDIXES PAGE

AA - Letter from Petitioner to Minnesota State University Board - December 10, 1975 -1aa1

BB - Science Education Documents -1bb1

BB - 1. Memorandum dated May 11, 1965, subject: Science Education Department -1bb1

BB - 2. Photo-copies of the original working papers on the science education committee initiative, in the autumn of 1968 -2bb5

BB - 3. Memorandum dated February 4, 1969 on Committee meeting -3bb13

BB - 4. Memorandum dated February 25, 1969 on professional article relevant to the Committee's work -4bb14

BB - 5. Memorandum dated March 5, 1969 on the agenda for the next meeting of the Committee -5bb15

BB - 6. Letter dated February 22, 1970 to Committee, articulating it's development -6bb16

PY

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BB - Science Education Documents (continued)

BB - 7. Letter dated March 20, 1970 transmitting science education document to the Chancellor -7bb21

BB - 8. A Critical Analysis of Science Education - Bemidji State College dated March 1970 - Table of Contents -8bb22

BB - 9. Letter dated May 11, 1970 from the Vice President for Academic Affairs on distribution of the above entitled science education document to members of the Committee -9bb23

BB - 10. Memorandum dated June 22, 1970 in Annual Report to the Vice President with reference to Committee's function -10bb24

BB - 11. Annual Report 1970-71, Memorandum dated July 1, 1971 on Guidelines for the Committee -11bb25

BB - 12. Annual Report 1971-72, on Committee Achievements Item 46 in First Petition -12bb30

BB - 13. Annual Report 1972-73 on Recommendation for Committee -13bb31

POOR C

APPENDIX TABLE OF CONTENTS (Continued)- PAGE

CC - Settlement Agreement signed December 23, 1970 -1cc1

DD - Authorization by Board in Minnesota Secretary of State's Office filed December 24, 1970 -1dd1

PY

Letter- APPENDIX AA aa1

RR #1 Box 321, Bemidji, Minnesota 56601
December 10, 1975 (to)
Dr. Frank G. Chesley, President
and Members of the Minnesota State
University Board
c/o Central Research Laboratories
Red Wing, Minnesota 55066

Attention: Governor Wendell Anderson
State of Minnesota

Dear Dr. Chesley and Members of the Board:

In regard to Dr. Chesley's and my discussion yesterday by telephone, the denial of my petition by the United States Supreme Court does not bring the case to a suitable judicial conclusion. There remain important matters unattended.

You make reference to the legal status as far as the prior state court action presumably. As stated yesterday it is a great disappointment that the Court did not feel inclined to respond favorably to my petition. However, as stated in my letter to the Board in August of this year, the Board should not expect the highest court in this land to tell them what to do -- to be reasonable and fair minded in its employment practices.

If it were not for important professional matters I would agree that it is no better for an individual professor to expect the "highest court" in this land to help him get his job back. (Reference is made to the Bemidji Pioneer article entitled "Former Bemidji State Professor Asks Supreme Court to get Job Back," October 22, 1975 issue).

POOR

You make reference to the collective action by the Board and that it would not be appropriate for you to make a statement on what action the Board will take. You acknowledge that what I need is a job -- and I agree. My status in seeking employment is obscured by the professional issues raised and the failure of the Board and the courts to take hold of the issues and deal with them in a positive and constructive manner.

The aspect of the case which you and everybody else including the courts have remained silent on is regarding the strings attached to the contract money -- namely the restrictions on my future employment in the state colleges which are now universities. It would appear that to remove these restrictions legally should require that an appropriate hearing be conducted. To dodge this issue is to do an injustice of the most serious kind.

(Page Two - Letter to the Minnesota State University Board December 10, 1975).

Leaving this matter concerning my future employment rights unattended will cause the most serious consequences. Leaving unattended this breach in Board rules as noted by the Minnesota Supreme Court is to leave in question possible college and university interests. This in effect is to do an injustice to the people of Minnesota of whom you represent.

I urge therefore that the Board take immediate action on these unattended matters. Your attention is drawn to the

OPY

Petitioner's Letter Dec. 10, 1975 aa3

United States Supreme Court Rules, Number 35 on possible positive and constructive judicial action in the form of a motion, also please refer Rule Number 60 on the subject of Dismissing Causes as in paragraph 1.

Now that the Court has had an opportunity to consider any important judicial issue under Section 1983 having prior state court judgment, it would be appropriate for the Minnesota State University Board to take the kind of constructive action that would achieve justice fairly and reasonably -- the kind of justice that takes into account all sides in the controversy.

Sincerely yours,

Robert B. Burns

Copy to Governor Anderson

POOR

APPENDIX BB

SCIENCE EDUCATION

DOCUMENTS

Pages - 1bb1 to 13bb31*

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*First number designates document number as indicated in Appendixes Table of Contents at Beginning of the Appendix Section. Designation "bb" refers to the Appendix BB and followed by the page number.

COPY

BEMIDJI STATE COLLEGE
Bemidji, Minnesota

DATE: May 11, 1965

TO: Dr. Harry Bangsberg

FROM: Richard E. Beitzel

SUBJECT: A Department of Science Education

In regard to the proposed reorganization of Bemidji State College, Dr. Peters suggested that I submit my thoughts concerning the establishment of a Science Education Department.

Need for a Science Education Department

Under the existing organization the responsibilities for the area of Science Education are equally shared by all science departments under the direction of the Division Chairman. In the event that College organization becomes departments in a college, the responsibilities for the area of science education would be too widely divided to permit an effective science education program. At the present time, St. Cloud does not have a Science Education Department and as a result does not have an effective science education program because no department feels that science education is their responsibility. Although Moorhead does not have a Science Education Department, they have a Science Education Coordinator with plans to organize a Department in the near future. The information concerning St. Cloud and Moorhead is no more official than the comments which have passed between science faculty members of the colleges involved.

POOR

Responsibilities of a Science Education Department

A Science Education Department would be charged with the following responsibilities.

(Dr. Bangsberg - page 2)

1. Furnish teaching personnel for the elementary school science methods courses.
2. Cooperate in the design of required and elective science courses for elementary school majors.
3. Furnish teaching personnel for the secondary school science methods courses.
4. Cooperate in the design of all Bachelor of Science major and minor programs in biology, chemistry, physics, and science.
5. Assume the responsibilities for the science program in the Laboratory School.
6. Assume the responsibilities for a science education research program in the Laboratory School.
7. Assume the responsibility for the Northern Regional Science Fair.
8. Design and coordinate a program of science education research in area public schools.
9. Cooperate with area public schools in the improvement of their existing science programs and assist teachers to better perform their science teaching assignments.
10. Organize elementary and secondary teacher workshops in science which are currently being made available from the State Department of Education.

COPY

Location of a Science Education Department in the College

It seems reasonable to attach a Science Education Department to the College of Arts and Sciences (or what ever College includes the academic science departments). The points listed below support this assumption.

(Dr. Bangsberg - page 3)

1. At least in the past, the number of National Science Foundation grants supporting science education research awards to Divisions of Science have far exceeded the number awarded to Divisions of Education.

2. Location of the Science Education Department in the Science Building would enable the Science Education staff to use science equipment and supplies without necessitating duplication of those costly items.

3. A Science Education Department requires the complete support of all departments of science for proper and effective function. Complete cooperation and support is assured by close physical contact.

4. Since it is very likely that at least a part of the science education staff would teach academic science courses, administration problems would be substantially reduced.

5. With the possible exception of large universities, the majority of Science Education Departments are in Divisions of Science or Academic Colleges.

POOR

Mechanics of Implementation

At the present time, the responsibilities of a Science Education Department could be assumed by two faculty members, Mr. Robert Baker and Dr. Richard Beitzel. Mr. Baker would serve as Science Consultant in the Laboratory School, teach the elementary and secondary science methods courses, and cooperate in the execution of the other duties assigned to the Science Education Department. It appears that Mr. Baker will be assigned as the Science Consultant in the Laboratory School and he is presently teaching science methods for the Division of Education. Dr. Beitzel would devote 1/4th time to science education matters with the remaining 3/4th time devoted to teaching chemistry. Dr. Beitzel would continue to teach chemistry because of the apparent shortage of Ph.D. chemists and the advantages provided by actively teaching in an academic science department.

(Dr. Bangsberg- page 4).

Finally, an examination of the credentials of Mr. Baker and Dr. Beitzel will reveal that they are both trained, experienced, and active in the area of Science Education.

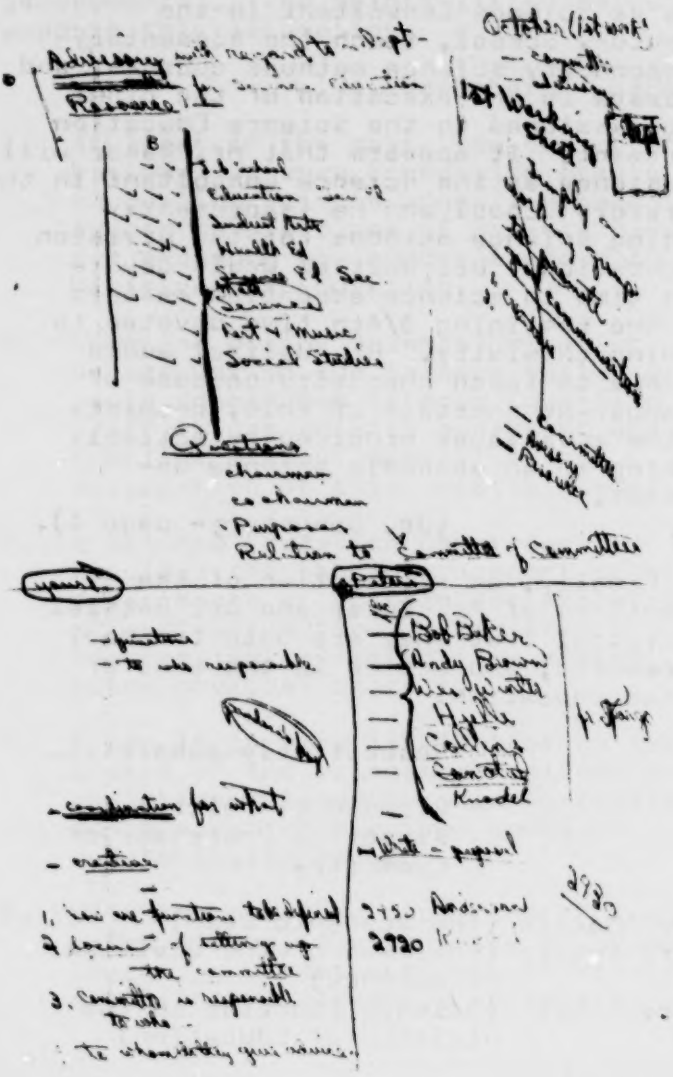
Respectively submitted,

Richard E. Beitzel
Associate Professor of
Chemistry

cc Dr. Martin (the Academic Dean)
Dr. Peters (Chairman of the Division of Science)
Mrs Baker (Science Educator in the Division of Education)

COPY

Photo-Copies of Original Working Papers- 2bb5



POOR

Photo-Copies Sci.Ed.Doc. Autumn 68, 2bb6

(EXPLANATION OF PHOTO-COPY
ON OPPOSITE PAGE)

Notes and
Questions

Education Division	Science Division

To attract members

- committee to promote communication for the dissipation of a strong science education program at both elementary and secondary levels. (To act in an advisory capacity at such time as a department is established)
To assist in special science education projects. To promote science education at graduate level at OSC.

To stimulate the formation of study groups with special tasks.

Special Science Ed Projects
1. Science Club
2. Conservation Club
3. Tony Manfold's Outdoor Education
4. Science Fair
5. Magic Show for Elementary School

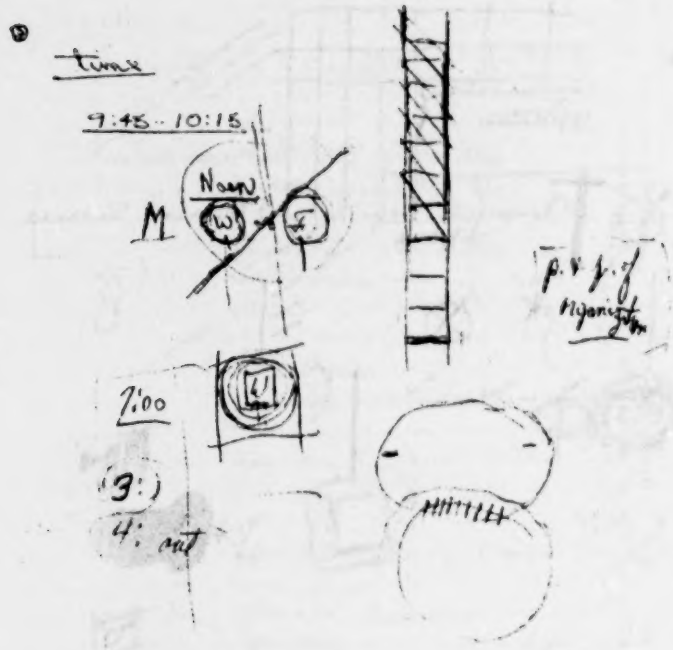
Science Ed. Committee within each division

Representative or Member from each division

Special Committee of Faculty and of Administrators

Related Fields
- Art Education
- Industrial Arts
- Geography
- Anthropology
- Archeology
- Conservation
- Science

POOR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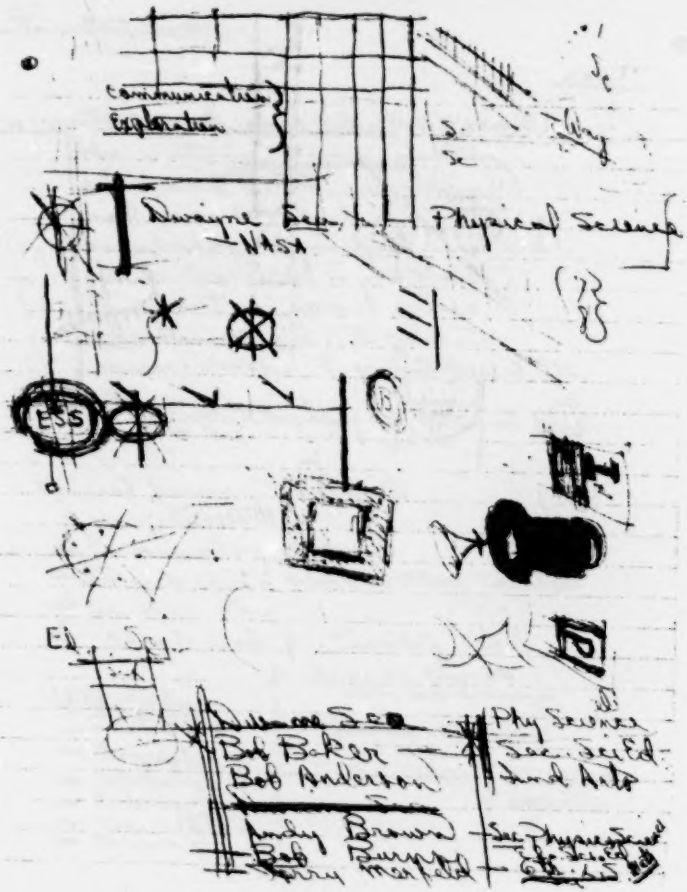

Communications
Exploration
Dwayne
WASH
Physical Science
ESS
Bob Baker
Bob Anderton
Andy Brewer
Bob
Phy Science
Sec. Field
Sec Physical Science

(Oct 1968)

Science Ed Committee Staff Mtg.

— Do you feel that exploration of the possibility for having a science & math education committee is worthwhile — if so when

... alternatives
— more limited
— "evening"
— workshop —

— exploration of functions
— ? charrette
— alternate charrette
for time

... cut across curriculum lines
... cut across subject areas
... cut across district & county

Science Education Committee (Oct 1968)

	Phone	Division	
1. Bob Anderson	2950	Fine & Applied Arts	(Industrial Arts)
2. Bob Baker	2720	Science	(Chemistry)
3. Andy Brand	2720	Science	(Physics)
4. Bob Burns	2720	Education	(Elementary)
5. Terry Mayfield	2720	Education	(Jr. High)
6. Dennis Sea	2720	Science	(Physical Science)
7. Raymond Kindel	2720	Science	(Math)
[illegible] and Collins	2720	Science	(Math)

Breakfast at 7:30 A.M.

Thursday Oct 31

Coffee Break at 10:15

Student Union in Commission Room

DENISON STATE COLLEGE

Office Memorandum

DATE :

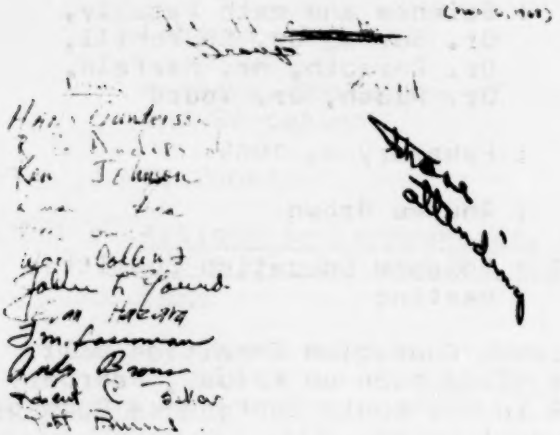
TO :

FROM :

SUBJECT :

POOR

Photo-Copies Sci.Ed.Doc. Autumn 68 2bb12



STUDENT UNION
Bemidji State College
Bemidji, Minnesota
755-2065

November 5, 1968

TO: D... [illegible]

SUBJECT: [illegible]

DATE OF EVENT: [illegible] HOURS: 9:45 - 10:15 a.m.
Chapel

SPACE: South Conference Room ORGANIZATION: Science Seminar Group

FOOD SERVICE: Coffee @ .05 NUMBER ORDERED FOR: _____

[illegible] @ .05

_____

_____

TOTAL CHARGE: _____ $1.20

First meeting of group

Please Make Checks Payable To BEMIDJI STATE COLLEGE STUDENT UNION.
THANK YOU.

Bemidji State College
Office Memorandum

To : Science and math faculty,
Dr. Burns, Dr. Churchill,
Dr. Forseth, Mr. Merfeld,
Dr. Plath, Dr. Yourd

DATE : February 4, 1969

FROM : Andrew Brown

SUBJECT : Science Education Committee meeting

The Science Education Committee will meet at 12:00 noon on Friday, February 7, 1969 in the South Conference Room of the Student Union.

Items to be discussed:

1. Formal proposal for official status of committee
2. Graduate program for teachers of Junior High Science
3. Future of IPS (workshop, institutes, formal class, etc.)

Sci.Ed.Doc. Feb. 25, 1969 4bb14

Bemidji State College
Bemidji, Minnesota

DATE : February 25, 1969

TO : Members, Divisions of Science and Education

FROM : K. Johnson

SUBJECT : Article in February 24, 1969 issue of Chemical & Engineering News

Attached is an article in the February 24, 1969 issue of Chemical & Engineering News which we should be vitally concerned with.

This might be a topic to discuss at the next meeting of the Science and Mathematics Education Committee.

***Education Article entitled:
"Chaos in Science Teacher Training," Chemical & Engineering News, Feb. 24, 1969, underlined statement - ". . . By a two to one margin, (students) put science over education courses as the most valuable preparation for science teaching . . ."

R COPY

Bemidji State College
Bemidji, Minnesota

DATE : March 5, 1969

TO : Science, Mathematics & Education Faculty

FROM : Robert C. Baker

SUBJECT : Science and Math - Education Committee Meeting

This is a reminder concerning the Science & Math - Education committee meeting to be held at 12:00, Friday, March 7, 1969 in the Scandinavian Room of the Student Union. Bring your own lunch.

The agenda is as follows:

1. M.S. Program for Junior High School Teachers
2. Status report on the committee's organization
3. Introductory Physical Science
4. Possible N.S.F. Program proposals

WE WILL LOOK FORWARD TO SEEING YOU FRIDAY!

POOR

Sci.Ed.Doc. 1970 6bb16

February 22, 1970

A LETTER TO PRESIDENT
ROBERT DECKER, AND
MEMBERS OF THE SCIENCE
AND MATHEMATICS EDUCATION
COMMITTEE

FROM: BOB BURNS
SUBJECT: "THE COMMITTEE" AND SCIENCE
EDUCATION, BEMIDJI STATE COLLEGE

While I am not a member of the "committee," nor am I with the faculty of Bemidji State College, I do feel that I have a professional responsibility and continuing interest in the success and worth of the science education committee. The following discussion concerning the development of Science Education is presented for your thoughtful consideration, and constructive reaction.

Historically at Bemidji State College science education has been administered largely in the Division of Education. However, moving from the nature-study sequence to courses more diversified in both methodology and content, not to mention new science facilities on campus, together with similar courses developed by the Science Division and numerous science-education projects originating primarily in the Science Division there has been an increasing need for science education to be more closely tied-in with the Science Division. This makes sense! And too, professors working in science education prefer to teach content-science courses "periodically" while maintaining their primary responsibilities in science education. This is more likely to occur if the science education professors are

COPY

in the Science Division. Furthermore, it is sometimes profitable for a "good" scientist to teach a "methods" course, its "good" for one's morale!

A "science Education Department" had been seriously discussed as far back as 1965 or even earlier and in fact a memorandum in effect proposing a department was submitted to President Harry Bangsberg. The purpose was well understood for gaining greater coordination and unity in the program. At this time, 1965-1967, the organizing of science education almost took shape and just prior to the sudden loss of President Bangsberg in Vietnam, there was good prospect that a science education department would have formed soon. Even though a department would be most beneficial for the education of prospective teachers in science, let it be said here that science education as an idea, is a much more pervasive endeavor than simply "containing" it in one department. Every division on campus, is connected in some way, and there are many courses, health, phy-ed, geography, industrial arts, even art and music, which are very much relevant to science education.

The Science and Mathematics Committeee was formed sometime the latter part of November 1968. Its immediate function was to serve as a communication link between the science and education divisions. While it was not explicit, from a long range standpoint this committee was to serve flexibly in such a way that if a Science Education Department was wanted it could be accomplished smoothly on a firm foundation of understanding between the two divisions.

What are the factors that are pertinent to the formation of a Science Education Department? First, how can science education courses be geared professionally in education and be operated in another division, say the Science Division? Second, how would a Science Education Department fit with other science departments . . . . how would it coordinate its work with the other departments say, chemistry, physics, etc.? These two questions I will endeavor to answer later in this discussion.

Another set of questions deal with the subject of "identity". "Who" are the science educators? And what is the difference between a science educator and a scientist?

In answer to the question of "who", I would say that those who "teach" methods courses in science for prospective teachers are the science educators and are of concern to the "committee". Also included in science education of concern to this committee would be courses for prospective teachers which are both content and methods oriented. Many science persons consider themselves basically a scientist working in a given field. But every time a scientist writes a "book", talks to people, he is working in the field of science education. Basically science education deals with the communication process of the scientist's discoveries to the laymen and society at large -- they will be interested in science education in a larger sense. And some are interested in research in both science education and a particular scientific field as well. This is true particularly for those who are in

R COPY

graduate program, not to mention those persons writing what they have discovered (in scientific inquiry).

In answer to the question concerning the difference between the scientist and the science educator, I would say that the difference is largely one of research orientation. A scientist will be interested in research in the physical and natural sciences while the science educator will do research dealing with both "people" and "science". In this sense science education research is in the social sciences. Curriculum development, classroom procedures, science learning -- understanding, conceptual development, (these) are some of the research fields of interest to science educators. From (purely) a practical standpoint, those directly involved in the teaching of methods courses for prospective teachers or teachers in the field, returning for study, would properly identify those science educators of particular interest to this committee.

What makes a good science education program? Of course the thing that makes a good program are not such things as committees, departments or divisions. While such organizational structures may be necessary for efficiency, success depends simply on people pulling together. . . . Certainly the better programs exist where there is good communication between educators and scientists. This

does not mean requiring a science-education department in a science division. For a college the size of Bemidji, however, it makes sense to have a department for science education and one that is closely integrated to the sciences . . . .**

**The complete text of this letter is on file in the Federal District Court, refer Plaintiff's Document Number 8, refer also Document Number 9 and Petitioner's Brief pages 19-20 of STATEMENT.

Bemidji State College
Bemidji, Minnesota

March 20, 1970

Dr. G. Theodore Mitau, Chancellor
Minnesota State College System
407 Capitol Square Building
550 Cedar Street
St. Paul, Minnesota 55101

Dear Dr. Mitau:

Enclosed is a document submitted to Dr. Richard E. Beitzel, Vice President for Academic Affairs, from Dr. Robert Burns. It was to be presented to me and then forwarded on to you. Dr. Burns is anxious that you receive this document.

Sincerely yours,

/s/ R.D. Decker
President

RDD:mk
Enclosure
cc: Dr. Robert Burns

A CRITICAL ANALYSIS OF SCIENCE EDUCATION

BEMIDJI STATE COLLEGE
BEMIDJI, MINNESOTA
March 1970
by Bob Burns

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Bemidji State College
Bemidji, Minnesota 56601
Vice-President for Academic Affairs
218-755-2015 May 11, 1970

Mr. Robert B. Burns
R.R. #1, Lake Julia
Bemidji, Minnesota 56601

Dear Bob:

I have your letter of May 6, 1970.

I have had your paper, "A Critical Analysis of Science Education" distributed to the members of the Science Education and Mathematics Committee.

I have notified the Housing Office of your available rental property as per your letter.

Sincerely yours,

/s/ Richard E. Beitzel,
Vice-President for
Academic Affairs

REB:nl
enc. 1

Sci.Ed.Doc. June 22, 1970 10bb24

BEMIDJI STATE COLLEGE OFFICE MEMORANDUM**

DATE : 22 June 1970
TO : R. E. Beitzel, Vice President for Academic Affairs
FROM : E. B. Hazard, Division of Science and Mathematics
SUBJECT : Annual Report, SSI 1969-S70

. . . . (sections deleted) . . . .

GOALS AND DIVISION POLICIES FOR 1970-71

A. Undergraduate Program

1. Improvement of Instruction.

(paragraph deleted)

2. Science-Mathematics Education Committee.

The functions of this committee and its procedures need to be clarified.

. . . . (remaining sections deleted). . . .

** The full text of this report can be found in the Annual Report for 1969-70 in the College Library.

Sci.Ed.Doc. (Committee Guidelines) 11bb25
1970-71
ANNUAL REPORT of Vice President Academic Affairs from Science Division . . .

"Science-Mathematics Education Committee"

After considerable work, the Committee, consisting of representatives from both this Division and Education, revised and approved the Guidelines which are attached as Appendix I to this report. The Guidelines had been accepted earlier, in substantially the same form, by the concerned Divisions. In accordance with I. A. 6 of the Guidelines, (the) 1972 Science Fair will be the responsibility of this Committee.

. . . . (sections deleted) . . . .

Bemidji State College 1 July 1971
Bemidji, Minnesota

SCIENCE AND MATHEMATICS EDUCATION COMMITTEE GUIDELINES

Appendix I to Science and Mathematics 70-71 Annual Report

I. Rationale

A. The creation of such a committee would facilitate the following:

1. Effective communication between the Divisions concerned

a) e.g. Science & Math--Education

**The full text of this report can be found in the Annual Report for 1970-71

POOR

2. Effective communication and program development relative to the public schools in the geographic area served by BSC.

3. Facilitate interdepartmental coordination relative to the Science Education portion of the Teacher Training Program at BSC.

a). this does not include the General Education portion of the curriculum

4. Effective liaison between the Teacher Education Council and the Divisions concerned.

5. The development of an organized sequential K-6 Science Curriculum in the Laboratory School.

6. The continuing coordination of Science Club and Regional Science Fair activities at BSC.

7. Establishment of a Science Consulting Service for area schools.

II. Functions

A. In light of the preceding, the following functions would appear to be appropriate:

1. In cooperation with the Education Division, investigate current programs in public schools and plan programs to prepare prospective teachers to fit the future needs of the public schools.

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(Guidelines Continued page one) 11bb27

2. Work with public schools to promote new and effective science programs where desir(e)able and feasible.

(Page Two)

3. Study the compatability of Science courses and related Education courses.

a) Methods courses
b) Student teacher supervision
c) New curriculum information

4. Study the needs of in-service teachers to plan programs to:

a) Strengthen obviously inadequate academic backgrounds and introduce new curriculum programs.

b) Lead to an advanced degree

c) Plan institutes, extension courses and summer programs for teachers

d) Work out proposals for new program for junior high teachers, elementary science specialists, and science consultants in the public schools.

5. Coordinate interdepartmental and interdivisional activities.

6. Serve as effective two-way liaison between: with:

a) Teacher Education Council
b) State Science Consultant
c) Minnesota Academy of Science

POO

7. In cooperation with supervising teachers, initiate and coordinate experimental science programs in the Laboratory School.

III. Committee Structure

A. In order to obtain optimum flexibility and effectiveness in policy determination it is felt that:

1. The Chairman should be the Science Division representative to the Teacher Education Council, to be chosen from 2:1-7, below.

2. Active Membership should be limited to:

1) Biology Department
2) Chemistry Department
3) Earth Science Department
4) Mathematics Department (Elementary)
5) Mathematics Department (Secondary)
6) Physics Department

(Page Four)

7) Science (Elementary and broad Science)
8) Laboratory School
9) Two representatives from the Division of Education.
a) Elementary and Secondary Education Departments.

3. Choice of personnel serving as representatives on the committee is left to the discretion of the departments concerned.

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(Guidelines Continued page three) 11bb29

4. Decisions concerning policy shall be made by the voting membership as defined above.

IV. Responsibilities:

1. The committee shall meet at regularly announced times

2. Minutes shall be kept for and distributed to the following offices and/or persons:

a) Vice President of Academic Affairs

b) Division Heads -- Education; Science and Mathematics

c) Department Chairmen Concerned

d) Chairman Teacher Education Council

e) Committee members

3. The direct administrative responsibility of the committee is to the Division Heads of Science and Mathematics, and Education.

FIRST PETITION TO THE UNITED STATES SUPREME COURT - APPENDIX K - DOCUMENTATION ON COMMITTEE. . .

(Items 1-45 deleted).

"46. July 1, 1972 - ANNUAL REPORT OF VICE PRESIDENT - 1971-72 Academic Affairs Bemidji State College Library Ref. LB 1894 .B4592 A32x - Science Division Report - Page One - Science Educator in Education Division now teaches 3.75 units in Science Division . . . Page Three - Science/Mathematics Symposium for High School Students, May 8, 1972 - Page Five - Under Committee Achievements Item H - "Science and Mathematics Education Committee . . . organized the very successful Second Annual Spring Symposium for High School Students." "

(Item 47 deleted).

"48. July 1, 1973 - ANNUAL REPORT OF VICE PRESIDENT - 1972-73 Academic Affairs Bemidji State College Library Ref. LB 1894 .B4592 A32x - Science Division

. . . . (secions deleted) . . . .

Achievements . . . 27. "The Science Departments of Bemidji State College grasped the significance of the new Certification Requirements in Science far sooner than Science Departments in any of the other Institutions of Higher Learning in Minnesota. Our representatives of the Legislative Hearings alerted the other colleges to the problems. The latter groups immediately dramatically switched from pro to con. However, despite overwhelming criticism, the

Certification requirements became law as written."**

. . .

Recommendations Item 9 "That the Science Mathematics Education Committee be given authority (but not a budget) to oversee changes in our programs necessary for Certification."

** This statement was essentially the same remark in the most recent ANNUAL REPORT OF THE VICE PRESIDENT, 1974-75 on file in the College Library.

APPENDIXES

CC AND DD*

*Technically the Settlement Agreement did not have an authorized signature from the Minnesota State College Board.

SETTLEMENT AGREEMENT*

THIS AGREEMENT is made on this 23rd day of December, 1970, between Robert B. Burns (referred to herein as Burns) and STATE COLLEGE BOARD, (referred to herein as BOARD), acting for and on behalf of BEMIDJI STATE COLLEGE (referred to herein as College).

. . . .

STATE COLLEGE BOARD

By: /s/ Norman Dybdahl

*Refer Appendix E of Petitioner's Brief for the complete text of the Settlement Agreement, pages e1-e5.

(Appendix DD) dd1 DYBDAHL, Norman

MINNESOTA STATE COLLEGE SYSTEM
OFFICE OF THE CHANCELLOR
407 CAPITOL SQUARE BUILDING
550 CEDAR STREET
ST. PAUL, MINNESOTA 55101
(612) — 221-2544

December 16, 1970

The Honorable Joseph Donovan
Secretary of State
180 State Office Building
St. Paul, Minnesota 55101

Attention: Forrest Talbott, Assistant Secretary of State

Dear Mr. Talbott:

At the December 4 meeting of the State College Board, the Vice Chancellor for Administration was delegated the authority to sign documents requiring the signature of the Secretary of the Board. The attached delegation should complement all previous delegations made to the Vice Chancellor for Administration.

Following is the ordinary signature of the Vice Chancellor for Administration.

Norman Dybdahl
Norman Dybdahl

After proper execution, please retain one copy for your file and return the others to this office.

Thank you for your cooperation.

Sincerely,

G. T. Mitau

G. Theodore Mitau
Chancellor

GTM:skm
Encsl.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 24 1970
Secretary of State

(Appendix DD) dd2

RESOLUTION

STATE COLLEGE BOARD

December 4, 1970

WHEREAS, IT IS DESIRED TO FACILITATE THE ADMINISTRATIVE PROCEDURES INVOLVED IN OBTAINING THE NECESSARY SIGNATURES ON DOCUMENTS REQUIRING THE SIGNATURE OF THE SECRETARY OF THE STATE COLLEGE BOARD,

THEREFORE, BE IT RESOLVED THAT:

1. THE VICE CHANCELLOR FOR ADMINISTRATION BE APPOINTED TO THE POSITION OF ASSISTANT SECRETARY OF THE STATE COLLEGE BOARD, AND BE AUTHORIZED TO SIGN ALL DOCUMENTS REQUIRING THE SIGNATURE OF THE SECRETARY OF THE BOARD, SUBJECT TO THE CONTROL OF THE STATE COLLEGE BOARD AND/OR SECRETARY OF THE BOARD.

2. THIS RESOLUTION SHALL BE FILED WITH THE SECRETARY OF STATE PURSUANT TO M.S. 69, § 15.06 (2), AND SHALL BECOME EFFECTIVE ON THE DATE SO FILED.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 24 1970

Joseph Donovan
Secretary of State